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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ZAMPERINI AIRFIELD) Case No. CV 24-4538-CBM (JPRx)
PRESERVATION SOCIETY,)
Plaintiff,) ORDER RE SETTLEMENT CONFERENCE
v.)
CITY OF TORRANCE,)
Defendant.)

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PLEASE READ THIS ORDER CAREFULLY

The Settlement Conference is placed on calendar for **Friday, May 23, 2025, at 1:30 p.m. in Courtroom 880 of the Edward R. Roybal Courthouse in Los Angeles, California.**

The Magistrate Judge will not be involved in the actual trial of the case but rather will assist the parties in an objective appraisal and evaluation of the case. If the case does not settle, however, the Magistrate Judge will continue to preside over any discovery disputes that may subsequently arise between the parties. Settlement allows the parties to avoid the substantial cost, expenditure of time, and stress that are

1 typically part of the litigation process. Consideration of
2 settlement is a serious matter that requires thorough preparation
3 before the Settlement Conference. Below are the procedures the
4 parties must follow in preparing for it.

5 1. The purpose of the conference is to permit an informal
6 discussion among the attorneys, parties, nonparty indemnitors or
7 insurers, and the settlement judge of every aspect of the case
8 bearing on its settlement value. Thus, the settlement conference
9 should not take place until the parties have exchanged any
10 critical discovery.

11 2. All settlement proceedings are confidential, and no
12 statement made during them will be admissible in any proceeding
13 in the case unless the parties otherwise agree. No part of the
14 Settlement Conference will be reported or otherwise recorded
15 without the consent of the parties except for any memorialization
16 of a settlement. Although Local Rule 16-15.8 does not apply to a
17 settlement conference conducted by a Magistrate Judge, this Court
18 generally adheres to it.

19 3. In addition to counsel who will try the case, a person
20 with full settlement authority must be present for each party.
21 This requirement contemplates the physical presence of each
22 individual party or, if a corporate or governmental entity, of an
23 authorized and knowledgeable representative of the party.¹ The
24 Plaintiff's representative must have full and final authority, in
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26 ¹ If this matter is a lawsuit in which the United States or
27 any of its agencies is a party, the government attorney who will
28 try the case may appear without a representative, provided that
that attorney comes armed with the full measure of authority
conveyed by superiors after appropriate consultation.

1 the representative's sole discretion, to authorize dismissal of
2 the case with prejudice or to accept a settlement recommended by
3 the settlement judge in an amount equal to at least the
4 Defendant's last offer made before the Settlement Conference.
5 The Defendant's representative must have final settlement
6 authority to commit the Defendant to pay, in the representative's
7 sole discretion, a settlement amount recommended by the
8 settlement judge of as much as the Plaintiff's prayer (excluding
9 punitive-damages prayers) or up to the Plaintiff's last demand
10 made before the Settlement Conference, whichever is lower.

11 The purpose of this requirement is to have representatives
12 present who can settle the case during the course of the
13 conference without consulting a superior.

14 4. Subject to paragraph 6 below, counsel appearing without
15 their clients (whether or not counsel claim to have been given
16 settlement authority) will cause the Settlement Conference to be
17 canceled and rescheduled if possible. The noncomplying party or
18 attorney - or both - may be assessed the costs and expenses
19 incurred by other parties as a result of such cancellation and
20 rescheduling.

21 5. Any insurance company that is a party to the case or is
22 contractually required to defend or to pay damages assessed
23 within policy limits should have a settlement representative at
24 the conference. The representative must have final settlement
25 authority to commit the company to pay, in the representative's
26 sole discretion, an amount recommended by the settlement judge
27 within the policy limits. The purpose of this requirement is to
28 have an insurance representative present who can settle the

1 outstanding claim or claims during the course of the conference
2 without consulting a superior. An insurance representative
3 authorized to pay, in the representative's sole discretion, up to
4 the Plaintiff's last demand made before the Settlement Conference
5 will also satisfy this requirement. Counsel of record will be
6 responsible for timely advising any involved nonparty insurance
7 company of the requirements of this Order.

8 6. When people whose personal attendance would otherwise
9 be required under the foregoing paragraphs reside outside the
10 District, the Court will consider excusing their personal
11 attendance as long as they can and will be available by telephone
12 during the entire Settlement Conference. If a party desires to
13 avail itself of this excuse from personal attendance, counsel
14 should make that request in the party's Settlement Conference
15 Statement (and specify where the person will be located during
16 the Settlement Conference and whether any other parties object).
17 After the party's Settlement Conference Statement is submitted,
18 counsel should contact Magistrate Judge Rosenbluth's courtroom
19 deputy clerk to ascertain whether the request has been granted.
20 Frequently, such requests are not granted.

21 7. Before, during, or after the Settlement Conference, the
22 Magistrate Judge may, in her discretion, converse with the
23 lawyers, the parties, the insurance representatives, or any one
24 of them outside the hearing of the others. The comments of the
25 judge during such separate sessions are not to be used by counsel
26 in settlement negotiations with opposing counsel. This is a
27 necessary requirement in order to avoid intentional or
28 unintentional misquotation of the judge's comments. If all

1 counsel and parties are not present to hear the Court's opinions,
2 it is all too easy for counsel to misstate the Court's comments
3 in an effort to obtain a tactical advantage with opposing
4 counsel. Violation of this policy may hinder settlement.

5 8. Before the Settlement Conference, the attorneys are
6 directed to discuss settlement with their respective clients and
7 insurance representatives, so that the parameters of possible
8 settlement will have been explored well in advance of the
9 Settlement Conference. At the Settlement Conference, each party
10 must be fully prepared to discuss all economic and noneconomic
11 factors relevant to a full and final settlement of the case.

12 9. In order to avoid the unnecessary expenditure of
13 resources if the case is not ripe for settlement, and to provide
14 the parties with a starting point for their settlement
15 discussions with the Magistrate Judge if the case is ripe for
16 settlement, Plaintiff must advise Defendant(s) of the terms upon
17 which Plaintiff is prepared to settle the case, in a letter
18 delivered or faxed to Defendant(s) **no later than 14 days** before
19 the Settlement Conference. Plaintiff's letter should include a
20 written itemization of damages and a settlement demand with a
21 brief explanation of why such a settlement is appropriate.

22 **Within 72 hours** of receipt of Plaintiff's settlement offer, each
23 Defendant must respond to it by letter advising Plaintiff of the
24 terms upon which that Defendant is prepared to settle the case
25 and, briefly, why those terms are appropriate.² **If following**

26
27 ² The Court expects the parties to exchange good-faith
28 settlement offers. For the Plaintiff, this means offering to
settle on terms less favorable than those Plaintiff reasonably

1 this exchange of settlement offers counsel for any of the parties
2 believes that the case is not ripe for settlement and that
3 proceeding with the conference as scheduled will not be a
4 productive use of the Magistrate Judge's or the parties' time,
5 counsel for the party or parties must immediately contact the
6 courtroom deputy and arrange for a telephonic conference with the
7 Magistrate Judge to discuss with all parties whether to proceed
8 with the Settlement Conference as scheduled. If the telephonic
9 status conference cannot take place at least seven days before
10 the Settlement Conference date, the parties still must comply
11 with paragraph 11 below.

12 10. Assuming the Settlement Conference remains on calendar
13 or the telephonic status conference is scheduled for less than
14 seven days before the Settlement Conference date, then no later
15 than 4 p.m. seven days before the scheduled date, each party must
16 submit a Settlement Conference Statement directly to the chambers
17 of Magistrate Judge Rosenbluth (that is, to Roybal Courthouse,
18 outside Room 1200, 12th Floor, Clerk's Office) or by fax to (213)
19 894-5173. Each party must serve its statement on the other party
20 that same day. The statements should not be filed with the
21 Court. Each statement must be double-spaced and should not
22 exceed 10 pages.

23 The parties' respective settlement conference statements
24 _____

25 could expect to achieve if Plaintiff prevailed at trial, taking
26 into account Plaintiff's nonrecoupable costs of litigation. For
27 each Defendant, this means offering to settle on terms less
28 favorable than the Defendant reasonably could expect to achieve if
Defendant prevailed at trial, taking into account Defendant's
nonrecoupable costs of litigation.

1 should include the following:

2 A. A brief statement of the facts of the case and
3 of the claims and defenses remaining to be tried,
4 including the statutory or other grounds upon which the
5 claims are founded. This statement should identify the
6 major factual and legal issues in dispute and cite any
7 controlling authorities.

8 B. An itemized statement of the damages claimed
9 and of any other relief sought.

10 C. A summary of the proceedings to date, including
11 any case-management dates/deadlines already set by the
12 District Judge and any critical discovery the parties
13 have not yet exchanged, with an explanation of why not.

14 D. A history of past settlement discussions,
15 offers, and demands, including the most recent settlement
16 offers exchanged under paragraph 9 above. A copy of each
17 party's letter sent under paragraph 9 above should be
18 attached to the party's Settlement Conference Statement.

19 11. **Each party should also prepare a Confidential Addendum**
20 **to Settlement Conference Statement, which must be delivered (or**
21 **faxed) directly to Magistrate Judge Rosenbluth only, along with**
22 **the Settlement Conference Statement.** The Confidential Addendum
23 should not be filed with the Court or served on the other
24 parties. The Confidential Addendum should contain:

25 A. A forthright evaluation of the party's
26 likelihood of prevailing on each of its claims and/or
27 defenses.

28 B. The approximate amount of attorney's fees,

1 time, and costs expended to date and an estimate of the
2 fees, time, and costs to be expended for further
3 discovery, pretrial preparation, and trial.

4 C. The party's evaluation of the terms on which
5 the other side is prepared to settle the case.

6 D. The party's evaluation of the terms on which
7 the case could be settled fairly, taking into account the
8 litigation position and settlement position of the other
9 side.

10 12. If it does not appear to the Court from its review of
11 the parties' settlement conference statements and confidential
12 addenda that a Settlement Conference at this juncture is likely
13 to result in settlement, the Court may order the Settlement
14 Conference off calendar or defer it to a later juncture in the
15 proceedings (for example, after a pending or anticipated
16 dispositive summary-judgment motion has been decided or critical
17 discovery has been exchanged).

18 13. At the start of the conference, counsel for each party
19 should be prepared to make the equivalent of a brief opening
20 statement and to respond to the Court's questions regarding the
21 relevant facts and law, in the presence of all parties and
22 counsel. Counsel should have available for the Court's perusal
23 copies of all key documents in the case as well as copies of all
24 important witnesses' deposition transcripts. The parties should
25 be prepared to address the following questions at the Settlement
26 Conference. Thus, counsel are ordered to make a copy of this
27 Order available to their client before the Settlement Conference
28 and to discuss it with the client.

1 A. What are your goals in the litigation and what
2 problems would you like to address in the Settlement
3 Conference? What do you think are the opposing side's
4 goals?

5 B. What issues need to be resolved, both legally
6 and otherwise? What are the strengths and weaknesses of
7 your case?

8 C. Do you understand the opposing side's view of
9 the case? What is wrong with that view? What is right?

10 D. What are the points of agreement and
11 disagreement between the parties?

12 E. What are the obstacles to settlement?
13 Financial? Emotional? Legal?

14 F. Does settlement or further litigation better
15 enable you to accomplish your goals?

16 G. Is there any additional information you need to
17 adequately discuss settlement? Is so, how do you plan to
18 obtain that information?

19 H. Are there any third parties who you think
20 should be participating in this Settlement Conference?

21 14. Any failure of the trial attorneys, parties, or persons
22 with settlement authority to attend the conference may result in
23 sanctions, including the fees and costs expended by the other
24 parties in preparing for and attending the conference. The
25 failure of any party to timely submit a Settlement Conference
26 Statement or Confidential Addendum in compliance with this Order,
27 or otherwise comply strictly with this Order, may result in the
28 Settlement Conference being ordered off calendar and sanctions

1 being imposed.

2 15. If settlement between any or all parties is reached as
3 a result of the Settlement Conference, it is the responsibility
4 of counsel to immediately report the settlement to the District
5 Judge's courtroom deputy clerk as well as to timely memorialize
6 the settlement. See C.D. Cal. R. 16-15.7.

7 16. If the parties believe that a telephonic status
8 conference before the settlement conference, with just the
9 attorneys, would be helpful, they may request one from the
10 Court's deputy clerk. It will take place no earlier than six
11 days before the settlement conference, after the Court has had a
12 chance to read the parties' submissions. Similarly, the Court
13 may request such a conference.

14
15 DATED: April 14, 2025



JEAN P. ROSENBLUTH
U.S. MAGISTRATE JUDGE